

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 23 Civ. 10365 (LJL)

NEW YORKERS AGAINST CONGESTION
PRICING TAX, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 24 Civ. 367 (LJL)

MICHAEL MULGREW, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 24 Civ. 1644 (LJL)

**THE FEDERAL DEFENDANTS' NOTICE OF LODGING THE CERTIFIED LIST OF
THE ADMINISTRATIVE RECORD CONTENTS**

The Federal Defendants¹ hereby provide notice of the certification of the Administrative Record for the Federal Defendants' November 21, 2024 approval of the *Re-Evaluation 2* for the Manhattan Central Business District Tolling Program ("the Project"). As detailed in the attached declaration and index, the certified list of the supplemental Administrative Record contents filed with the Court today reflects those documents considered directly or indirectly by the Federal Defendants in connection with their review of the Project under the National Environmental Policy Act, and, together with the record materials filed February 27, 2024, and October 25, 2024, constitute the record for the approval signed on November 21, 2024. The record does not include deliberative materials. *See Comprehensive Cmty. Dev. Corp. v. Sebelius*, 890 F. Supp. 2d 305, 308-09 (S.D.N.Y. 2012) (articulating standard governing scope of the administrative record); *id.* at 312 (recognizing that "deliberative materials antecedent to the agency's decision fall outside the administrative record").

Respectfully submitted this 22nd day of November, 2024,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Zachary Bannon
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¹ For purposes of this notice, the Federal Defendants are the U.S. Department of Transportation ("DOT"), the Federal Highway Administration ("FHWA"), Shailen Bhatt, in his official capacity as Administrator of FHWA, and Richard J. Marquis, in his official capacity as Division Administrator of the New York Division of FHWA.